IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.2145/06

Dinesh Paliwal **Versus** State & Anr.

DATE OF ORDER :: 22/10/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Mohammed Anees with Mr. R.S. Yadav, for petitioner

Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed assailing the order dated 26th July, 2006 whereby application filed by accused-petitioner u/s.45 of Evidence Act was dismissed by learned Judge and the revision petition was also dismissed by a detailed order on 13th September, 2006.

Complainant-non-petitioner No.2 filed a complaint against accused-petitioner for offence committed u/s.138 of Negotiable Instrument Act and pending trial, application was filed by petitioner at the stage when the prosecution evidence was over u/s.45 of Evidence Act with the request that documents Ex.P-12 to Ex.P-17 be sent to FSL which alone will give report in regard to the disputed cheque which was dishonoured for which petitioner is facing trial. Learned trial Judge after taking into consideration the record observed that sufficient material is available on record and there is no necessity for sending

these documents Ex.P12/P17 to FSL at this stage and if disputed diary is placed on record, the Court will examine its validity at the relevant stage and has not considered appropriate to send the relevant documents demanded by petitioner to FSL for its report. The Revisional Court has also examined the same in detail and was not inclined to accept the request made by petitioner.

This Court has also gone through the order impugned and does not find any infirmity which may call for interference.

Consequently, the misc. petition fails and is hereby dismissed.

[AJAY RASTOGI],J.